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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XO45

Marine Mammals; File No. 14241

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; receipt of application for permit amendment.

SUMMARY: Notice is hereby given that Dr. Peter Tyack, Woods Hole Oceanographic Institution, Woods Hole, MA has applied for an amendment to Permit No. 14241-02 to conduct research on marine mammals.

DATES: Written, telefaxed, or e-mail comments must be received on or before [insert date 30 days after date of publication in the FEDERAL REGISTER].

ADDRESSES: The application and related documents are available for review by selecting “Records Open for Public Comment” from the Features box on the Applications and Permits for Protected Species home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 14241 from the list of available applications.

These documents are also available upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)427-8401; fax (301)713-0376;

Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930; phone (978)281-9300; fax (978)281-9333; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, Florida 33701; phone (727)824-5312; fax (727)824-5309.

FOR FURTHER INFORMATION CONTACT: Tammy Adams or Carrie Hubbard, (301)427-8401.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 14241-02 is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 et seq.), and the regulations governing the taking and importing of marine mammals (50 CFR part 216.

Permit No. 14241, issued on July 15, 2009 (74 FR 3668), authorizes the permit holder to conduct research on cetacean behavior, sound production, and responses to sound. The research methods include tagging marine mammals with an advanced digital sound recording tag that records the acoustic stimuli an animal hears and measures vocalization, behavior, and physiological parameters. Research also involves conducting sound playbacks in a carefully controlled manner and measuring animals' responses. The principal study species are beaked whales, especially Cuvier's beaked whale (*Ziphius cavirostris*), and large delphinids such as long-finned pilot whales (*Globicephala melas*), although other small cetacean species may also be studied. The locations for the field work are the Mediterranean Sea, waters off of the mid-Atlantic United States, and Cape Cod Bay. The permit has been amended twice since issuance. Amendment number 1 (Permit No. 14241-01) issued on July 27, 2010 (75 FR 47779): (1) included authorization for collection of a skin and blubber biopsy sample from animals that are already authorized to be tagged; (2) added new species for existing projects involving tagging,

playbacks, and behavioral observations; and (3) modified and clarified tagging and playback protocols and mitigation for when dependent calves are present. Amendment number 2 (Permit No. 14241-02), a minor amendment, issued on April 4, 2011, modified the sound source protocols and added zinc oxide marking for animals being tagged or biopsied. The permit, as amended, is valid through July 31, 2014.

The permit holder has a pending amendment request (76 FR 75524) to: (1) add one new species, Atlantic spotted dolphin (Stenella frontalis), for field work in waters off Georgia, North Carolina, South Carolina, and Virginia; (2) add a new project to Dtag the following species in waters off the west coast of North America: Baird's beaked whale (Berardius bairdii), Cuvier's beaked whale, Risso's dolphin (Grampus griseus), killer whale (Orcinus orca) and Mesoplodont beaked whales (Mesoplodon spp); (3) add a new procedure for marking cetaceans with zinc oxide; (4) add satellite tagging to long-finned pilot whales in approaches to the Mediterranean; and (5) switch some of the playback takes initially located in the Mediterranean and eastern North Atlantic to the same stocks of long-finned and short-finned (G. macrorhynchus) pilot whales off Cape Hatteras, an area where research is already authorized. The amendment would not change the expiration date of the permit.

The permit holder is requesting that the pending amendment also include: (1) adding waters off Florida to the project for tagging to study risks of entanglement in mid-Atlantic states, with no changes in the numbers, species, or stocks of marine mammals taken; and (2) increasing the number of Baird's beaked whales that may be zinc-marked off the west coast of North America from 40 to 80 per year (as part of item number 2 above).

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), an initial determination has been made that the activity proposed is categorically excluded

from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the Federal Register, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: December 13, 2011.

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P. Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

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